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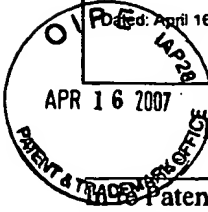
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EL895019551US, on the date shown below in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: April 16, 2007

Signature:

(Juan Gutierrez)

Docket No.: 27295/38258  
(PATENT)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Patricia L. Conway et al.

Application No.: 09/889,085

Confirmation No.: 6842

Filed: January 9, 2002

Art Unit: 1651

For: IMPROVED MICROBIAL PREPARATIONS

Examiner: V. Afremova

**PETITION UNDER 37 CFR 1.182 AND**  
**REQUEST FOR ENTRY OF PREVIOUSLY FILED AMENDMENT AND REQUEST**  
**TO RE-OPEN PROSECUTION**

MS Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

07/30/2008 CKHLOK 00000004 033975 09889085  
Sale Ref: 00000004 DAB: 033975 09889085  
01 FC:1462 400.00 DA

Dear Sir:

This petition is filed in response to the Communication Re: Appeal mailed March 14, 2007 in which the Examiner states no reply to the decision by the Board of Patent Appeals and Interferences dated December 29, 2006 was filed within two months and that the appeal is abandoned because there are no allowed claims.

In fact, on February 28, 2007, Appellants timely filed a response to the Decision on Appeal rendered December 29, 2006. As proof of timely filing, attached is a copy of the date-stamped return receipt postcard. Also attached is a copy of the response in the form of an Amendment and Request to Reopen Prosecution Under 37 CFR §41.50 timely filed on February 28, 2007. Under the provisions of 37 §CFR 41.50, a request that complies with the provisions will be entered, the application will be reconsidered by the examiner, and the request to re-open prosecution will be treated as a request to withdraw the appeal.

Therefore, Appellants respectfully request entry of the enclosed response and enclose herewith the petition processing fee under 37 CFR 1.17(f) in the amount of \$400.00.

04/18/2007 HDESTA1 00000009 09889085

01 FC:1462

400.00 OP

Repln. Ref: 06/02/2008 CKHLOK 0009441700  
DAB:033975 Name/Number:09889085  
FC: 9204 \$400.00 CR

Adjustment date: 06/02/2008 CKHLOK  
04/18/2007 HDESTA1 00000009 09889085  
-400.00 OP  
01 FC:1462

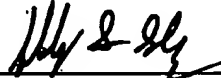
Application No.: 09/889,085

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Notice of the withdrawal of the holding of abandonment is respectfully solicited and given the enclosed evidence that the reply was timely filed, Appellants respectfully request a refund of the petition processing fee.

Dated: April 16, 2007

Respectfully submitted,

By   
Jeffrey S. Sharp

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